

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DEBORAH ST. PETER and  
MATTHEW BOGACZ,  
Plaintiffs

v.

TOWN OF AGAWAM, TOWN OF AGAWAM  
POLICE DEPT., AGAWAM POLICE CHIEF  
ROBERT CAMPBELL, ANTHONY GRASSO,  
JAMES WHEELER, RICHARD NILES,  
KEITH BOPKO, JOHN MOCCIO,  
OFFICER MCGOVERN,  
Defendants

CIVIL ACTION NO: 04-30054-MAP

**PLAINTIFF'S OPPOSITION TO THE DEFENDANT, JAMES WHEELERS**  
**MOTION FOR POSTPONEMENT OF TRIAL**

Now come the Plaintiffs in the above-entitled matter and respectfully request that the Court deny the Defendant, James Wheeler's Motion for Postponement of Trial in the above-entitled matter.

As grounds for this opposition the Plaintiffs state the following:

This case arises out of an incident which occurred on March 24, 2002. The Plaintiffs filed a Complaint in this matter on March 15, 2004. Since the beginning of the litigation in this matter, the Defendants have requested numerous extensions of time for a variety of reasons. Some of these extensions were assented to by the Plaintiffs, however, in the past year the Plaintiff's have begun to feel taken advantage of and are beginning to believe that they will never have their day in Court.

Finally on September 6, 2006, at the Pre-Trial Conference the Court set a trial date for December 11 through December 22, 2006. The Plaintiffs were informed of this date on September 6, 2006 and have made arrangements to reschedule their work commitments, child care, etc., so that they may be available for the trial dates as set by the Court. Now on September 29, 2006, almost four weeks after the date the trial was set, the Defendants have filed a motion to continue the trial date to some date subsequent to January 2<sup>nd</sup> of 2007. As Plaintiffs' counsel recalls, the Court had indicated at

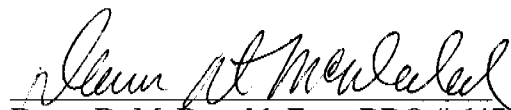
the time of the Pre-Trial Conference that it was booked through January, which means the Plaintiffs would not have a trial date until sometime subsequent to January of 2007 should the Court be inclined to grant the Defendants' Motion. Additionally, what is to say that the next day chosen by the Court will not coincide with one of the other Defendants previously scheduled vacations. The Defendant Wheeler will be available for the second week of trial from December 18, 2006 until December 22, 2006. Plaintiffs would certainly not object to accommodating his scheduling difficulty by having him testify during the week of December 18<sup>th</sup>. If the Court is inclined to grant the Defendants' Motion the Plaintiffs request that the parties, and counsel, submit a list of all of the dates that they are not available to the Court in order to avoid this situation in the future.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court deny the Defendant, James Wheeler's Motion to Continue the Trial Date in the above-entitled matter.

THE PLAINTIFFS  
DEBORAH ST. PETER &  
MATTHEW BOGACZ

Dated: October 2, 2006

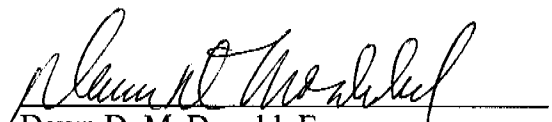
By:

  
Dawn D. McDonald, Esq., BBO # 647256  
Cooley, Shrair, P.C.  
1380 Main Street  
Springfield, MA 01103  
(413) 781-0750  
(413) 733-3042 (facsimile)

**CERTIFICATE OF SERVICE**

I, Dawn D. McDonald, Esq., hereby certify that on this 2<sup>nd</sup> of October, 2006, I caused the foregoing document to be served upon all the Defendants the foregoing document, via E-mail, as follows: Jeffrey L. McCormick, Esq., Robinson Donovan, 1500 Main Street, Suite 1600, P. O. Box 15609, Springfield, MA 01103; [jmccormick@robinson-donovan.com](mailto:jmccormick@robinson-donovan.com).

97711

  
Dawn D. McDonald, Esq.